

tigators are not authorized to execute criminal search warrants, and therefore must rely on outside agencies to assist in this crucial investigative function.

The offices of the United States Marshall's Service, while often cooperative, are painfully understaffed, and frequently not available within the timeframe dictated by the investigation. This is particularly true in light of the fact that the execution of environmental criminal search warrants can extend over a period of days (where excavation or extensive drum sampling is required) during which time the site must be secured by law enforcement officers on a 24-hour basis. Two recent warrants executed in New Hampshire and Idaho lasted three and four days respectively—placing a heavy strain on the offices of the local U.S. Marshals.

Further, when an outside law enforcement agency agrees to commit significant resources to the execution of an EPA warrant, control of the evidence seized on the warrant, and of the ensuing investigation, is almost invariably shared with the outside law enforcement agency. The difficulties inevitably present in coordinating the activities of two separate agencies will often undermine the efficient completion of the investigation.

Without law enforcement powers, EPA's investigators are left without the requisite authority to control resistance during the execution of the warrant and to protect accompanying support personnel.

Finally, search warrants are almost always executed without prior notice, to ensure surprise and the best opportunity to locate the needed evidence. The current need to coordinate with outside State or Federal agencies inevitably increases the opportunity for an inadvertent security breach.

(4) *Exchange of Investigative Intelligence and Criminal Record Information with Outside Law Enforcement Agencies.*—The field offices continue to encounter understandable reluctance on the part of state and local law enforcement agencies to provide confidential information, motor vehicle data, and other forms of assistance, due to the agents' lack of status as law enforcement officers.

(5) *Potentially Dangerous Operations—EPA Employees.*—Investigative operations or activities that demonstrate the potential for risk to the investigators or other EPA employees are currently beyond the capability of the Division. These would include extended nighttime surveillances; interviews of reputedly dangerous individuals; surveillances in remote areas; surveillance of most hazardous waste haulers; and any type of undercover operations. Of course, without these and other investigative tools, the effectiveness and success of the field offices is, and will continue to be, sharply compromised.

(6) *Potentially Dangerous Operations—Non-EPA Employees.*—A legitimate and widely-used criminal investigative technique is the use of informants, who may be asked to participate in an ongoing manner to secure evidence against an investigative target. This highly useful investigative technique can not be fully utilized until field offices have the ability to protect the informant, should his/her identity (and cooperation) be discovered. Without law enforcement authority, this ability is non-existent.

(7) *Truck Stop Operation.*—Manifest check operations, a potentially-effective investigative tool, cannot be implemented without arrest powers, (i.e. the underlying authority to detain a truck temporarily during the manifest check.)

B. SAFETY

Law enforcement authority, in addition to eliminating these significant operational limitations, would also ensure the general safety of EPA's investigative staff during field investigations under all statutes. EPA's existing Memorandum of Understanding with the Federal Bureau of Investigation is *not* a solution to this problem since dangerous situations are not always, or even generally, predictable in advance. A general instruction to field offices to avoid potentially dangerous situations is an equally inadequate solution for the same reason.

Unanticipated risks have already been encountered in several investigations. In one, a weapon was discharged by an employee of the target company during an otherwise routine field sampling operation. In a second, investigators came upon a "car stripping" operation. In several investigations, individual targets have made veiled or explicit threats concerning cooperative witnesses. In a number of others, investigation has disclosed past criminal records, or known evidence of violent behavior, by subjects of the inquiry.

Risks are certainly most pronounced in hazardous waste investigations.¹ Evidence has now been developed by the New York State Select Committee on Crime; the New York State Organized Crime Strike Force; the Organized Crime Strike Force in the Eastern District of Michigan; and the Dingell subcommittee of significant organized crime involvement in the hazardous waste industry. While EPA's experience remains limited, our investigations have developed some corroboration of this phenomenon.

Equally important, independent truckers and landfill operators, often involved in surreptitious illegal disposal activity, frequently carry weapons—placing our investigators at a significant disadvantage in any case involving the activity of these individuals.

The risk is not, however, limited to hazardous waste investigations. Recommended investigations against placer miners in Alaska and Oregon are—because of the violent nature of the targets and the remote area of their operations—currently not feasible. Pesticide inspectors in South Carolina, air inspectors in Pennsylvania and oil spill investigators in Ohio have all reported physical assaults, or verbal threats, that reflect the potential for violence in all areas of environmental field investigation.

Appendix A (attached) contains a sampling of incidents occurring in past State/Federal environmental investigations, as well as in more recent Criminal Enforcement Division investigations, that reflect the unavoidable risks inherent in environmental criminal work. This list was prepared for internal EPA use, and is based in part on an informal survey of selected State and Federal office by the field offices of this Division. It does not reflect exhaustive research, either of the individual incidents or of the overall scope of the problem. It does, however, provide a reliable indication of the types of risks and dangers that are an

¹ In the four most recent State hazardous waste enforcement programs, State offices have given full law enforcement powers to their investigative staffs. These offices are: New York's EPA-funded Mid-Hudson Demonstration Project; the New Jersey Attorney General's office; the New York Department of Environmental Conservation; and the Pennsylvania Attorney General's office. Ironically, EPA's Criminal Enforcement Division stands alone as the only investigative unit focussing on criminal hazardous waste activity without the full complement of law enforcement powers.

inevitable part of environmental investigations.

C. TRAINING AND BACKGROUND OF EPA'S INVESTIGATIVE STAFF

EPA's new investigative staff has been drawn, *without exception*, from major State or Federal Law Enforcement agencies, including the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco and Firearms; the Federal Bureau of Investigation; the U.S. Customs Service; the Metropolitan Police Department (D.C.); and the New York Police Department. Their experience in the exercise of full law enforcement powers ranges from a minimum of five years to a maximum of 30. All have been qualified routinely and throughout their careers on a variety of firearms. All have extensive operational experience in the execution of arrest and search warrants. The implementation of law enforcement powers will require no basic training of the Agency's investigative staff. EPA will, of course, establish regular firearms qualification/training requirements for its investigators, should law enforcement powers be implemented.

D. CONCLUSIONS

(1) Agents assigned to EPA's Criminal Enforcement Division are prepared, through experience and training, to assume full law enforcement powers.

(2) The absence of law enforcement powers will significantly reduce the investigative reach and effectiveness of EPA's criminal enforcement initiative.

(3) The absence of law enforcement powers leaves EPA's investigative staff without the ability to protect themselves, other Agency officials, or cooperating private citizens, during the pursuit of environmental criminal investigations.

(4) A Memorandum of Understanding between EPA and any outside law enforcement agency is *not* a solution to these problems: Danger is frequently unpredictable. Joint investigations are cumbersome and inefficient. Finally, EPA's investigative priorities are not, and will never be, the investigative priorities of other law enforcement agencies, *particularly* in light of the misdemeanor level of all but a few environmental crimes.

(5) A decision against law enforcement powers for EPA's investigative unit will result in the rapid disintegration of the existing program. Morale will fall; investigators will leave the Agency as soon as new jobs can be secured; and quality replacements will be impossible to find.●

THEY SHOOT DOGS, DON'T THEY?

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. LANTOS. Mr. Speaker, today the Washington Post published a story about congressional efforts to block the construction and opening of a "wound laboratory" by the Department of Defense. The term "wound lab" is a military euphemism for a soundproof target range where animals are shot with high velocity bullets. The effects of these blasts on living tissue are to be the focus of re-

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search. Military doctors are trained in wound treatment, although there is no intent to allow animals to recover.

This gruesome plan was brought to my attention about 6 weeks ago. I immediately began inquiries including discussions with Col. Richard Simmonds at the Uniformed Service University of the Health Sciences (USUHS) in Bethesda where the most recent laboratory is scheduled to open in August. Further inquiries have convinced me that this project is not necessary for defense purposes, and is a shocking use of taxpayers' money.

The stated cost of the project, according to information provided by Dr. Simmonds is approximately \$96,000—just short of the \$100,000 limit for DOD projects not requiring congressional approval in the budget. This covers only construction of the sound-proof target range and minimal laboratory construction expenses. The actual cost of operation will be much more.

This issue is not only one of mistreatment of animals, although the techniques described are sickening and reminiscent of Nazi experiments, but it is one of unnecessary cruelty and duplication of previous research. The plan ignores the feasibility of using alternatives to live animals for both medical research and training.

I am also startled that taxpayers' money is used to purchase abandoned pets at \$80 to \$130 each to be used for ballistics tests. Profiteering in sales of orphan dogs obviously could bear investigation.

Yesterday, along with other concerned colleagues in the House, I invited Members of Congress to join in sending a letter of protest to the Secretary of Defense demanding that the Bethesda Wound Laboratory project be stopped.

Today, the Secretary of Defense issued a statement saying "no dogs will be shot for medical experimentation or training by the Department of Defense." I am gratified that Secretary Weinberger has made this response. This does not, however, address the issue of whether or not other animals may be shot or if the Bethesda laboratory will be kept closed. We intend to send our letter forward, and invite other Members of Congress to add their names.●

PARRIS PROTESTS CRUEL TREATMENT OF DOGS FOR EXPERIMENTS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. PARRIS. Mr. Speaker, I am deeply concerned about reports that the Department of Defense's plans to

open a firing range at the military medical school in Bethesda where scores of dogs and other animals will be shot with high-powered weapons so surgeons and scientists can study their wounds. It is my understanding that as many as 80 dogs per year will be shot in order to train seniors in a medical course.

Mr. Speaker, I would hope that in this age of enlightened science other means can be found which will allow our Government to hold experiments without victimizing man's best friend in this heartless way. I believe these insensitive acts of extreme cruelty should be halted and the Department of Defense should direct its efforts toward alternate approaches of experimentation.

Surely, common decency requires nothing less.●

IRISH PARLIAMENTARY DELEGATION VISIT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. MICHEL. Mr. Speaker, today Tuesday, July 26, 1983, I was visited by a distinguished group of Irish parliamentarians, led by the Speaker of the Irish House, Mr. Thomas Fitzpatrick. The delegation included members of the three major parties of the Irish Republic, Fine Gael, Fianna Fail, and Labour.

The purpose of their visit was to acquaint me with the facts of the tragic situation in Northern Ireland, to emphasize the growing dangers of the situation there, and to inform me of the efforts of the majority in Ireland who seek a just solution to current problems.

Mr. Speaker, over 2,000 Irish men, women, and children have been murdered in Northern Ireland in the past 14 years. This is an incredible demonstration of violence, unmatched in most parts of the world during the same period. Innocent civilians have been among the chief targets of the gunmen. As the Irish parliamentary delegation emphasizes, the situation is not getting better—it is getting worse. During the recent elections in Northern Ireland, the candidates of a violent solution gained considerably. It is beyond question that if violence is seen to be the only way to get out of the stalemate that now exists in Northern Ireland, a growing number of young people of that community will see no other choice before them but to follow those who preach hate and murder. Things have not yet gotten to that point, but it is conceivable that the savagery that now is confined to the North can spread to the Irish Republic. I need not emphasize

that the murders transcend religious and political boundaries.

In our media-oriented view of things, if we do not see something on television, it does not exist. Violence in the Middle East and in Central America gets more of its share of media exposure—and, therefore, of public concern.

But the violence in Ireland is in one sense even more deplorable than that of the Middle East. We are talking about a relatively small population in Northern Ireland and if we translate the 2,000 deaths by violence into terms we can understand, we would see that if the same proportion of our population was murdered by gunmen, the figure would be 250,000 Americans.

So you can see that this problem is one that cannot be ignored. There is at present an all Ireland Forum to which all traditional, democratic, non-violent political parties—North and South—have been invited, to discuss the future of Ireland. The parliamentary group that visited me stressed the fact that this forum has no prearranged agenda. There is no precondition for becoming a member of the group. All that is asked is a willingness to discuss the future of Ireland. It would be good for everyone involved if all democratically oriented political parties in Ireland, North and South, would join this forum and share views as to what the future might look like.

I was very impressed by the sincerity, the seriousness and the undeniable sense of urgency of the message conveyed by the delegation led by Speaker Fitzpatrick. I want our colleagues to know that I support any efforts leading to an Ireland where peace, justice, prosperity, and a sense of unity are enjoyed by all those who live on that beautiful island.●

JUDGE HANSFORD LEGGETT SIMMONS

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. DOWDY. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues in Congress the recent death of Judge Hansford Leggett Simmons. He was a 93-year-old former Pike County judge and a very active and influential civic leader in the McComb community. He was a heroic veteran of World War I and was awarded a life membership in the American Legion for his years of service and leadership.

During his professional life, Judge Simmons served on many boards including the Mississippi Textbook Commission and the board of trustees for Institutions of Higher Learning. He also served as assistant clerk of the